

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**VIVIAN FRIETZE,**

**Plaintiff,**

**v.**

**No. 12-cv-0584 SMV/CG**

**SAFECO INSURANCE COMPANY OF AMERICA**

**ORDER GRANTING UNOPPOSED MOTION TO BIFURCATE**

THIS MATTER is before the Court on Safeco Insurance Company of America's Unopposed Motion to Bifurcate [Doc. 20], filed on August 14, 2012. The Motion seeks to bifurcate Plaintiff's claims for underinsured motorist ("UIM") benefits from Plaintiff's claims for breach of contract, negligence, breach of the duty of good faith and fair dealing, insurance bad faith and fiduciary duties, and unfair insurance claims practices (collectively, "bad faith claims"). The Court, having considered the Motion, being advised that the Motion is unopposed, and being otherwise fully advised in the premises, FINDS that the Motion is well-taken and should be granted.

Pursuant to Fed. R. Civ. P. 42(b), "[f]or convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate . . . claims." Defendant asserts, and the Court agrees, that bifurcation serves the purposes of judicial economy in that addressing the UIM benefits claims prior to addressing the bad faith claims may dispose of the need to address the bad faith claims. Motion [Doc. 20] at 2.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the trial of Plaintiff's claims for UIM benefits shall be bifurcated from Plaintiff's bad faith claims, and that

the Court shall enter a separate scheduling order after the trial for Plaintiff's UIM benefits, with pertinent deadlines for the bad faith claim to occur after the conclusion of the trial of the UIM damages issue, including but not limited to a dispositive motion deadline, expert disclosures, discovery cutoff, and a trial setting, with the exception that any settlement conference will be for the global resolution of all claims that have been brought or could have been brought.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**